REMARKS

Claims 6 to 11 are now pending in the present application.

Applicants respectfully request reconsideration of the present application in view of the following remarks.

With respect to paragraph two (2) of the Final Office Action, claims 7 to 11 were objected to because of informalities. While Applicants do not necessarily agree with the objections, to facilitate matters claim 7 has been rewritten herein without prejudice. It is therefore respectfully requested that the objections to claim 7 and its dependent claims 8 to 11 be withdrawn.

With respect to paragraph four (4) of the Final Office Action, claims 6 to 11 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,199,903 ("Brambilla").

Claim 6 relates to a system for triggering a restraint system in a vehicle and provides for at least a first stage and a second stage of deployment. Triggering of the second stage of deployment of the airbag is determined as a function of a combination of at least one criterion and the closing velocity. The "Brambilla" reference does not identically disclose (nor even suggest) the feature of "triggering of the second stage of deployment of the airbag . . . as a function of ***a combination*** of the at least one criterion and the closing velocity," as provided for in the context of the claim.

The Final Office Action, at paragraph six (6), asserts that the crash parameter detector of the "Brambilla" reference corresponds to the precrash sensor of the present by claimed subject matter. In fact, the "Brambilla" reference does not disclose any combination of the crash parameter detection signal with any other signal. The Final Office Action, at paragraph seven (7), conclusively asserts that the "Brambilla" reference at column 4, line 59 anticipates this feature, but the cited portion, merely states that "the control unit 2 can be triggered by a crash parameter detection system 6 with a state variable CP related to the crash parameters." Accordingly, the "Brambilla" reference does not identically disclose (or even suggest) any combination of the signals from or derived as a function of the acceleration sensor with the signals from or derived as a function of the crash parameter detection system. That is, the crash parameter detection system is an alternative source for triggering the control unit, and; it is not used in combination with any other signal.

In contrast, the presently claimed subject matter specifically provides for ***a combination*** of the at least one criterion and the closing velocity and the specification specifically supports this feature in paragraph [0017] ("These two parameters [signals from the acceleration sensor 42 and the precrash sensor 41] enter into deployment algorithm 33 which is computed by processor 44. The result is the deployment time for the second airbag stage."). No such combination, as provided for in the context of the presently damaged subject matter is identically disclosed (nor even suggest) in the "Brambilla" reference. Therefore, the "Brambilla" reference does not identically disclose (nor even suggested) the features of "triggering of the second stage of deployment of the airbag . . . as a function of ***a combination*** of the at least one criterion and the closing velocity," as provided for in the context of the claimed subject matter. For at least these reasons, claim 6 is allowable, as are its dependent claims.

As further regards claim 9, which depends from claim 6, it further provides that the second stage of deployment of the airbag is not triggered if the closing velocity is below a predetermined threshold. The "Brambilla" reference does not identically disclose (nor even suggest) the feature of not triggering the second stage of deployment of the airbag if the ***closing velocity*** is below a threshold. The Final Office Action, at paragraph eight (8), asserts that cites the "Brambilla" reference at column 7, line 55, discloses this feature, but the cited portion of the "Brambilla" reference simply does not describe closing velocity, since it refers to a speed reduction DV (Figure 3; and column 7, line 48) as a function of the acceleration signal. This signal is not based in any closing velocity, and therefore does not and cannot anticipate claim 9. For at least the reasons explained above claim 9 is also allowable for this further reason.

Accordingly, claims 6 to 10 are allowable.

CONCLUSION

It is therefore respectfully submitted that claims 6 to 11 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,
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